

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT J. ARTIS,

Plaintiff,

ORDER

v.

12-cv-589-wmc

MICHAEL MEISNER, *et al.*,

Defendants.

Plaintiff Robert J. Artis filed this civil action under 42 U.S.C. § 1983, alleging violations of the Eighth Amendment as well as state law malpractice and negligence claims against defendants. He has been granted leave to proceed *in forma pauperis* in this case. Plaintiff now seeks an order directing prison officials to allow him to use the funds in his release savings account to pay certain costs incurred in litigating this case. In particular, plaintiff requests access to funds in his release account to pay for postage and copies. (Dkt. #21.) Plaintiff's motion will be denied for reasons set forth briefly below.

The use of inmate release account funds is governed by state law. *See* WIS. ADMIN. CODE § DOC 309.466. According to § 309.466(2), “[r]elease account funds may not be disbursed for any reason until the inmate is released to field supervision, except to purchase adequate clothing for release and for out-of-state release transportation.” While the Supremacy Clause of the United States Constitution requires state law to give way to a competing federal law in rare instances, *see Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005), there is no federal law that requires

state officials to give prisoners money from their release account to pay the costs of legal supplies, copies or postage. Accordingly, the court will deny plaintiff's motion for access to funds from his release account.

ORDER

IT IS ORDERED that plaintiff Robert J. Artis's motion to use funds from his release account (dkt. # 21) is DENIED.

Entered this 27th day January, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge